

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE
DIRECTIONS OR WARNING STATEMENTS**

3061. Action to enjoin and restrain the interstate shipment of Colusa Natural Oil and Colusa Natural Oil Capsules. U. S. v. Chester Walker Colgrove (Colusa Remedy Co.), and Colusa Remedy Co., a corporation. Tried to the court; injunction granted. Action for violation of injunction tried to the court; verdict of guilty. Corporation fined \$5,000; individual fined \$4,000 and placed on probation for 5 years. Judgment affirmed on appeal. Petition for certiorari denied by United States Supreme Court. (Inj. No. 140.)

COMPLAINT FILED: November 20, 1946, Southern District of California, against Chester Walker Colgrove, trading as the Colusa Remedy Co., Los Angeles, Calif. The complaint alleged that the defendant had been and was then shipping in interstate commerce *Colusa Natural Oil* and *Colusa Natural Oil Capsules* which were misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labels of the articles failed to bear adequate directions for use in that the directions for use in the labeling were not adequate in any of the conditions for which the articles were recommended or suggested in their advertising sponsored by the defendant, the packager of the articles. The articles were held for sale to the public for medicine in the treatment of psoriasis, eczema, leg sores, leg ulcers, and athlete's foot.

PRAYER OF COMPLAINT: That a temporary restraining order issue, restraining the defendant from commission of the acts complained of; that pending final determination of the case, a preliminary injunction issue; and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On November 22, 1946, a temporary restraining order was issued against the defendant Colgrove, restraining him from introducing into interstate commerce the products known as *Colusa Natural Oil* and *Colusa Natural Oil Capsules*, until further order of the court. The temporary restraining order subsequently was dissolved, and the Colusa Remedy Co., a corporation, was added as a defendant in the action. The case came on for trial before the court on December 2, 1946. Upon the Government's motion for a preliminary injunction, and after consideration of the evidence submitted and the briefs of the parties, the court, on February 14, 1947, ordered that the defendants be enjoined pending determination of the action. On April 14, 1947, the court, with the consent of the defendants, entered a decree permanently enjoining the defendants from introducing *Colusa Natural Oil*, or any like product, into interstate commerce without a label containing adequate directions for the use of such product in the treatment of all conditions, ills, and diseases for which such product should be prescribed, recommended, and suggested in the advertising material disseminated or sponsored by or on behalf of the defendants, or either of them, which directions should include the quantity of the dose to be taken or applied in the treatment of each of such